



FOR IMMEDIATE RELEASE
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FORMER BORDER PATROL AGENT CONVICTED AT TRIAL

TUCSON – Michael Carlos Gonzalez, 34, of Vail, Arizona, was found guilty of Possession with Intent to Distribute Marijuana and Possession of a Firearm in Furtherance of a Drug Trafficking Offense, by a federal jury in Tucson, Ariz. The case was tried before Chief United States District Court Judge John M. Roll from March 14-19, 2007. The defendant was remanded into custody after trial. Sentencing is set before Chief Judge Roll on June 26, 2007.

The evidence at trial showed that on December 6, 2005 a Canine Officer with the Arizona Department of Public Safety (DPS) stopped a pickup truck on Highway 83 near Sonoita, Arizona. When the truck came to a stop, the driver and passenger fled into the desert, abandoning the vehicle and its contents. Concealed within the bed of the truck were numerous bundles of marijuana. When the DPS officer departed the area to pursue the suspects, Michael Carlos Gonzalez arrived at the scene driving a marked Border Patrol vehicle and was in full Border Patrol uniform including his service weapon.

Gonzalez was entrusted to guard the load of marijuana while other law enforcement officers and federal agents pursued the fugitives. A subsequent review of the tape from the video camera in the DPS officer's patrol unit revealed that, while left alone at the scene, Gonzalez had backed his Border Patrol vehicle up to the front of the truck, walked to the tailgate and removed a bundle of marijuana. Gonzalez then moved the other bales to fill in the space left by the missing bundle. Thereafter, Gonzalez placed the bundle first in the back seat and then in the trunk of his marked vehicle. Gonzalez subsequently left the scene with the bale of marijuana. It was never recovered. He was wearing his sidearm throughout the incident.

After the DPS Officer had the truck towed to his office, a thorough search revealed that the pickup contained 29 bales of marijuana with an average weight of approximately 10 kilograms. The Officer did not realize that a bundle had been removed from the pickup until a subsequent review of the tape was completed. DPS then contacted U.S. Immigration and Customs Enforcement, Office of the Inspector General, to assist in the investigation.

Grant Murray, Special Agent in Charge at the Department of Homeland Security Office of Inspector General in Tucson stated, "The jury verdict and the actions depicted in this video reflect the corrupt activity of someone who happened to be wearing a Border Patrol uniform. His actions should in no way reflect upon the honest men and women of the United States Border Patrol. The OIG has been proud to work jointly with AZ DPS, the U.S. Attorney's Office and the USBP in bringing this individual to justice."

A conviction for Possession with Intent to Distribute Less than 50 Kilograms of Marijuana carries a maximum penalty of 5 years in prison, a \$250,000.00 fine or both. A conviction for

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Possession of a Firearm in Furtherance of a Drug Trafficking Crime carries a consecutive mandatory minimum term of 5 years in prison, a maximum term of life in prison, a \$250,000.00 fine or both. In determining an actual sentence, the assigned judge will consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges. The judge, however, is not bound by those guidelines in determining a sentence.

The investigation leading to the guilty verdict was conducted by the Department of Homeland Security, Office of the Inspector General, the Arizona Department of Public Safety, and the United States Border Patrol. The prosecution was handled by Bradley W. Giles, Assistant U.S. Attorney, District of Arizona, Tucson.

***Note:** The video can be obtained through a formal request to the public records section of the Arizona Department of Public Safety by calling 602-223-2702 or email requests to tfuentes@azdps.gov.*

CASE NUMBER: CR-06-0152-TUC-JMR (JCG)

RELEASE NUMBER: 2007-085(Gonzalez)

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